

12-12-08

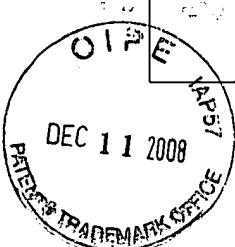
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Appln. of: Douglas S. Ransom, et al.

Appln. No.: 10/666,398

Filed: September 19, 2003

For: PUSH COMMUNICATIONS
ARCHITECTURE FOR INTELLIGENT
ELECTRONIC DEVICES

Attorney Docket No: 6270/126 (PML Ref. 300126)

Examiner: Maria N. von Buhr

Group Art Unit: 2121

Confirmation No.: 9324

Mail Stop Amendment
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

TRANSMITTAL

Attached is/are:

- Transmittal; Seventh Supplemental Information Disclosure Statement (with Appendix A); Form PTO 1449; and Non-Patent References (A24 – A41).
- Return Receipt Postcard

Fee calculation:

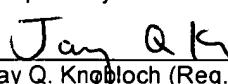
- No additional fee is required.
- Small Entity.

Fee payment:

- Please charge Deposit Account No. 23-1925 in the amount of \$_____. A copy of this Transmittal is enclosed for this purpose.
- Payment by credit card in the amount of \$_____. (Form PTO-2038 is attached).
- The Director is hereby authorized to charge payment of any additional filing fees required under 37 CFR § 1.16 and any patent application processing fees under 37 CFR § 1.17 associated with this paper (including any extension fee required to ensure that this paper is timely filed), or to credit any overpayment, to Deposit Account No. 23-1925. A copy of this Transmittal is enclosed for this purpose.

Respectfully submitted,

December 11, 2008
Date


Jay Q. Knobloch (Reg. No. 57,347)



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SEVENTH SUPPLEMENTAL
INFORMATION DISCLOSURE STATEMENT

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In accordance with the duty of disclosure under 37 C.F.R. §1.56 and §§1.97-1.98, and more particularly in accordance with 37 C.F.R. §1.97(b), Applicants hereby cite the following references:

U.S. PATENT DOCUMENTS

DOCUMENT NUMBER	DATE	NAME
5,768,148	June 1998	Murphy et al.
5,862,391	January 1999	Salas et al.
6,105,093	August 2000	Rosner et al.
6,178,362	January 2001	Woolard et al.
6,272,552	August 2001	Melvin et al.
6,298,376	October 2001	Rosner et al.
6,301,527	October 2001	Butland et al.
6,321,272	November 2001	Swales
6,535,983	March 2003	McCormack et al.
6,553,418	April 2003	Collins et al.
6,587,884	July 2003	Papadopoulos et al.
6,618,709	September 2003	Sneeringer
6,640,308	October 2003	Keyghobad et al.

6,671,635	December 2003	Forth et al.
6,714,977	March 2004	Fowler et al.
6,762,675	July 2004	Cafiero et al.
6,792,337	September 2004	Blackett et al.
6,961,641	November 2005	Forth et al.
7,181,517	February 2007	Iavergne et al.
7,327,558	February 2008	Kennedy et al.
7,447,762	November 2008	Curray et al.
2003/0226050	December 2003	Yik et al.
2004/0024717	February 2004	Sneeringer

OTHER ART

"Powerlogic® Advanced Power Reliability Solutions," Square D Schneider Electric, brochure, 2000, 3 pages double sided.
"Powerlogic® Circuit Monitor – Series 2000," Class 3020, Square D Schneider Electric, brochure, 3 pages double sided.
"Powerlogic® Power Meter," Class 3020, Square D Schneider Electric, brochure, 1998, 2 pages doublesided.
"Powerlogic® Metering and Monitoring Devices," Square D Schneider Electric, brochure, 2000, 2 pages double sided.
"Powerlogic® Power Monitoring and Control System," Square D Schneider Electric, brochure, 1998, 4 pages double sided.
"Powerlogic® Series 4000 Circuit Monitor," Square D Schneider Electric, brochure, 2000, 3 pages double sided.
"Digest," Square D Schneider Electric, product catalog, March 2000, 10 pages
"Powerlogic ® Series 4000 Circuit Monitor Now Available with Ethernet Communications Card," Square D Schneider Electric, News Release, July 20, 2000, 2 pages.
"Powerlogic ® Series 4000 Circuit Monitor," Square D Schneider Electric, brochure, April 2000, 6 pages
"Powerlogic ® Ethernet Communication Card," Square D Schneider Electric, brochure, August 2000, 2 pages
"Powerlogic ® Circuit Monitor Series 4000," Square D Schneider Electric, Instruction Bulletin, February 2000, 264 pages; and specifically, Chapter 6 – "Communications Connections" (pages 57 – 70)
"Powerlogic ® Ethernet Communication Card," Square D Schneider Electric, brochure, November 2004, 2 pages
"Powerlogic ® Circuit Monitor Series 4000, Instruction Bulletin No. 63230-300-200, February 2000 Now Available with Ethernet Communications Card," Square D Schneider Electric, News Release, July 20, 2000, 282 pages.
"Powerlogic ® Ethernet Communications Card," Schneider Electric, Instruction Bulletin No. 63230-304-200, September 2000, 70 pages
"Powerlogic ® Circuit Monitor Series 4000 Installation Manual," Schneider Electric, Instruction Bulletin No. 63230-300-209B1, December 2005, 110 pages
"Powerlogic ® Circuit Monitor Series 4000 Installation Manual," Schneider Electric, Instruction Bulletin No. 63230-300-212B1, December 2005, 234 pages
"Powerlogic ® Ethernet Communications Card," Schneider Electric, Instruction Bulletin No. 63230-314-202A4, January 2006, 14 pages
"Powerlogic ® Ethernet Communications Card," Schneider Electric, Instruction Bulletin No. 63230-304-204A4, January 2006, 46 pages

Applicants are enclosing Form PTO-1449 (two-sheets), along with a copy of each listed reference (A24 – A41) for which a copy is required under 37 C.F.R. §1.98(a)(2).

As each of the listed references is in English, no further commentary is believed to be necessary, pursuant to 37 C.F.R. §1.98(a)(3). Applicants respectfully request the Examiner's consideration of the above references and entry thereof into the record of this application.

The present application is directly or indirectly related to a patent asserted during the course of Square D Company v. E.I. Electronics, Inc. Case No. (N.D. Ill. 1:06-cv-05079). Applicants are including a copy of the Amended Counterclaims of EI Electronic, Inc. and EI Electronics LLC (hereinafter, "Amended Counterclaims"), which was filed during the above-referenced litigation, as Appendix A. Paragraph 32 through paragraph 37 of the Amended Counterclaims allege that United States Patent No. 7,415,368 (hereinafter, "the '368 patent") is unenforceable due to inequitable conduct for failing to disclose the Powerlogic ® Series 4000 Circuit Monitor (hereinafter, "CM 4000 monitor") and the Powerlogic ® Ethernet Communications Card (hereinafter, "ECC 21 communications card") to the U.S. Patent and Trademark Office during prosecution of the '368 patent. The '368 patent is owned by the Applicants. The ECC 21, which was available at least as early as July 20, 2000, was designed for use with the CM 4000 meter, both of which were manufactured by the Applicants in Palatine, Illinois, the features of which are evidenced by the references cited herewith.

Pursuant to 37 C.F.R. §1.56, Applicants hereby make of record in the present application the existence of the currently cited U.S. Patent No. 7,447,762 ("the '762 patent"), which is owned by the Applicants. Since the specifications and possibly the claims may include common or significantly related subject matter, Applicants respectfully request the Examiner to review the claims and the prosecution history, including any Office Actions issued by the U.S. Patent and Trademark Office, for the '762 patent. In particular, the Examiner is respectfully requested to carefully review the following actions from the '762 patent prosecution history:

Office Action mailed December 15, 2004
Response filed February 22, 2005

Office Action mailed May 16, 2005
Response filed October 11, 2005
Office Action mailed December 15, 2005
Office Action mailed February 14, 2006
Response and Affidavits filed May 1, 2006
Office Action mailed July 25, 2006
Response filed September 27, 2006
Response and Affidavits filed October 10, 2006
Office Action mailed February 9, 2007
Response filed April 17, 2007
Response filed April 20, 2007
Examiner Interview Summary dated May 2, 2007
Office Action mailed May 22, 2007
Response, Information Disclosure Statement and Affidavit filed on August 16, 2007
Office Action mailed October 31, 2007
Appeal Brief filed on December 17, 2007
Office Action mailed March 27, 2008
Response filed June 27, 2008
Notice of Allowance mailed August 8, 2008
Amendment after Notice of Allowance (Rule 312) dated September 4, 2008
Response to Amendment under Rule 312 dated September 11, 2008.

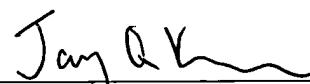
Since the cited documents from the file history are electronically available via PAIR, copies are not being provided herewith but will be provided upon request.

By submitting this Statement, Applicants are attempting to fully comply with the duty of candor and good faith mandated by 37 C.F.R. §1.56. As such, this Statement is not intended to constitute an admission that any of the enclosed references, or other information referred to therein, constitutes "prior art" or is otherwise "material to patentability," as that phrase is defined in 37 C.F.R. §1.56(a).

Applicants have calculated no fee to be due in connection with the filing of this Statement. However, the Director is authorized to charge any fee deficiency associated with the filing of this Statement to a deposit account, as authorized in the Transmittal accompanying this Statement.

Respectfully submitted,

December 11, 2008
Date



Jay Q. Knobloch (Reg. No. 57,347)